

REMARKS

Claims 31-37 and 44-47 are pending in the Application. A Final Office Action mailed August 9, 2005 allowed Claims 45-47, rejected Claims 31-37, and 44 under 35 U.S.C. § 103, and rejected Claim 44 under 35 U.S.C. § 112. By way of this Amendment, Applicants hereby cancel Claims 31-37, 44 and add new Claims 48 and 49. Pursuant to 37 C.F.R. 1.116, Applicants respectfully request reconsideration of the application.

REJECTION OF CLAIMS 31, 34-36, AND 44 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 31, 34-36, and 44 under 35 U.S.C. 103 as being obvious over Simon (U.S. Patent No. 5,530,909).

Applicants hereby cancel Claims 31, 34-36, and 44 rendering this rejection moot.

REJECTION OF CLAIMS 32, 33, AND 37 UNDER 35 U.S.C. § 103

The Office Action rejected Claims 32, 33, and 37 under 35 U.S.C. 103 as being obvious over Simon in view of Koike (U.S. Patent No. 6,445,308).

Applicants hereby cancel Claims 32, 33, and 37 rendering this rejection moot.

REJECTION OF CLAIM 44 UNDER 35 U.S.C. § 112

The Office Action rejected Claim 44 under 35 U.S.C. 112, second paragraph.

Applicants hereby cancel Claim 44 rendering this rejection moot.

NEW CLAIMS 48 AND 49

Applicants hereby present new Claim 48. Applicants respectfully submit that Simon does not teach or fairly suggest establishing a communication circuit *when the destination address receives the message based on a broadcast path of the message*. Indeed, Simon expressly teaches away from establishing a communication circuit *after the message is received*

based upon the path. In Simon, each node has a database that includes all the other nodes that are available for communication. This database is constantly updated and entries for nodes that are no longer available for communication are dropped. Before an outgoing message is sent, the “best route” is *predetermined based on the available nodes contained in the database.* For example, Simon states (1) “The processing unit comprises a routing data base [sic] 7 which receives and classifies the routing information and, more specifically, the data concerning the connectivity and *topology of the paths*” (Col. 3, Line 20); (2) “The routing tables ... contain the data relating to the *potential stations that can be selected* ... The list of neighboring relay system enables local topology to be determined. Network topology maps provide a complete view ... and are *used to compute the path by means of routing algorithms.*” (Col. 3, Line 28); (3) “The routing data base [sic] is operated by a rule base 8 ... concerning the *best route to be taken* by the data packets received by the relay system.” (Col. 3, Line 37); (4) “The routing specifications *require* that the relay system save the data relating to the neighboring relay systems *before setting up a connection.*” (Col. 4, Line 26); (5) “[E]ach relay *must* inform the other as to the *destinations contained within its scope* ... These routes are *not announced automatically.*” (Col. 4, Line 37); (6) “[E]ach relay system *must* update the part of its data base 7 [sic] defining the rules enabling the *determining of routes towards destinations* contained in the routing scopes.” (Col. 4, Line 43); (7) “A mechanism *is of course necessary* to chose [sic] between the possible routes and *to determine which one is considered better than the others.*” (Col. 5, Line 8); and (8) “[E]ach relay system implements a route selection algorithm, which is applied in an *identical* manner *by all the relay systems* situated within the routing scope.” (Col. 5, Line 11). Thus, Simon accepts incoming messages and predetermines the “best route” based on algorithms before broadcasting the message along that path rather than establishing a circuit *when the destination address receives the message based on a broadcast path of the message.* Accordingly, Applicants respectfully submit that Claim 48 is allowable.

In addition to the arguments above for Claim 48, Applicants submit that Simon does not teach or fairly suggest including navigation information and determining whether the communication circuit can be maintained for a given time interval based on the navigation information. In regards to another claim rejection, the Office Action stated that although Simon failed to teach determining if the communication can be maintained, Koike disclosed this limitation. The oft stated rule is that references cannot be combined unless there is a teaching, suggestion, or motivation to do so found in the reference. Applicants respectfully submit that Simon expressly teaches away from including navigation information and determining whether the communication circuit can be maintained based on that navigation. Simon secures available nodes in a database. The database is constantly updated and unavailable nodes are deleted. Before sending a message, a software program analyzes the available nodes and uses an algorithm to determine the best route. The message is then submitted along this predetermined route. Thus, rather than sending navigation information with the message and later determining whether the circuit can be maintained based on the navigation information, Simon relies solely on the available nodes in the database to predetermine the route. For example, Simon states “If a relay system no longer receives data packets, over a longer period of time, from another relay system with which it was connected, the connection is interrupted (dies) and *all the routes previously announced via this connection are declared unavailable and the corresponding entries are deleted from the routing data base* 7 [sic].” (Col. 4, Line 65). Simon states that this methodology is “a complete view” (Col. 3, Line 34), “required” (Col. 4, Line 27), a “must” (Col. 4, Line 37), “necessary” (Col. 5, Line 9), and to be used by “in an identical manner by all” (Col. 5, Line 13). Accordingly, Applicants respectfully submit that Koike is not combinable with Simon given that Simon expressly teaches away from the limitation. Furthermore, assuming Koike was used in contradiction to Simon’s teachings, even Koike fails to teach determining whether the communication circuit can be maintained for a given time interval based on the navigation information. Koike is not concerned with communication circuits, but rather merely

uses positional information to calculate collision probabilities and implement avoidance control.
(FIGS 8, 10, 16, and 23).

CONCLUSION

Applicants respectfully submit that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicants respectfully request allowance and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicants' agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



Michael S. Smith
Registration No. 39,563
Direct Dial: 206.749.9888

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

9/12/05

Date of Deposit


Michelle J. Carman